

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Frederick D. Baker, #236534,	)	
	)	
Plaintiff,	)	
	)	C/A No. 6:06-cv-1682-GRA-WMC
v.	)	
	)	
Jon E. Ozmint, Director of SCDC; Randall	)	
Manning, Institutional Director; Pravin R.	)	
Patel, Institutional Doctor; Andrew Simpson,	)	
Outside Doctor; Willie Eagleton, Warden of	)	
Evans Correctional Institution; James F.	)	<b><u>ORDER</u></b>
Griffin, Investigator at Evans Correctional	)	
Institution; Sharon Patterson, Disciplinary	)	
Hearing Officer (DHO); NFN Green, Captain;	)	
NFN Roger, Captain; NFN McFadden,	)	
Assistant Warden; S. Skipper, Grievance	)	
Coordinator at Evans Correctional Insitution;	)	
Sarah L. Murdock, Head Nurse; Julia Segal,	)	
Nurse; Barbara A. Mitchell, Nurse; Donica K.	)	
Davis; John Jones, Officer at Evans	)	
Correctional Institution; and Evans Medical	)	
Staff,	)	
	)	
Defendants.	)	
	)	

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This matter comes before the Court for a review of the magistrate's Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(d), D.S.C., and filed on June 25, 2007. Plaintiff filed this action on June 5, 2006 seeking damages for alleged civil rights violations pursuant to 42 U.S.C. § 1983. On October 31, 2006, Defendant Andrew Simpson filed a motion for summary

judgment. All other defendants filed a joint motion for summary judgment on October 14, 2006. Thereafter, the magistrate issued an Order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the summary judgment procedure and the consequences of a failure to respond. On November 11, 2006, Plaintiff filed a response in opposition to summary judgment. The magistrate now recommends granting the defendants' motions for summary judgment.

Plaintiff brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. *Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

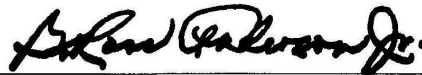
The magistrate makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* In the absence of specific objections to the Report and Recommendation, this Court is

not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th. Cir. 1983). Plaintiff filed no objections.

After a review of the record, this Court finds that the magistrate's Report and Recommendation accurately summarizes this case and the applicable law. Accordingly, the Report and Recommendation is accepted and adopted in its entirety.

IT IS THEREFORE ORDERED that Defendants' Motions for Summary Judgment be GRANTED and this case be DISMISSED *without* prejudice.

IT IS SO ORDERED.



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G. ROSS ANDERSON, JR.  
UNITED STATES DISTRICT JUDGE

August 6, 2007

Anderson, South Carolina

**NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified that he has the right to appeal this Order thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified within Rule 4, will waive the right to appeal.